



Clean Water And Natural Lands Advisory Commission

CITY AND COUNTY OF HONOLULU

530 South King Street, Room 208 • Honolulu, Hawaii 96813

COMMISSIONERS

Sherry P. Broder – Chairperson
Keli'iahonui Kotubetey
William Reese Liggett
Elliott "Kai" Raymond Markell
William Kamana'olana Mills
Jason Kekahi "Kahi" Pacarro
Jamie Tanimoto

Meeting Minutes
Friday, July 9, 2021
9:00 a.m.

CALL TO ORDER – Chairperson Sherry Broder called the meeting to order at 9:02 a.m.

Commissioners Present – Chair Sherry Broder, Keli'iahonui Kotubetey, Elliott "Kai" Raymond Markell, William Kamana'olana Mills, Jason Kekahi "Kahi" Pacarro, Jamie Tanimoto, William Reese Liggett (Arrived at 9:06 a.m.)

Staff Resources Personnel Present

Dawn Spurlin, Deputy Corporation Counsel
Tammy Namihira, Budget and Fiscal Services (BFS)

Guests

Rhiannon Callahan
Barrett Francis, Department of Land Management
Leah Lani Rothbaum, Trust for Public Lands

INTRODUCTION OF COMMISSIONER KELI'IAHONUI KOTUBETEY

Chair Broder introduced and welcomed new Commissioner Kotubetey and thanked him for his willingness to serve on this commission. Other Commissioners welcomed him.

APPROVAL OF THE JUNE 18, 2021 MEETING MINUTES

Without any objections, the minutes of the June 18, 2021 were approved, 6-0 (AYE: Broder, Kotubetey, Markell, Mills, Pacarro, Tanimoto); NAY: None; ABSTAIN: None).

DEPARTMENT OF BUDGET AND FISCAL PROVIDED AN UPDATE ON NEW APPLICATIONS AND PARADISE PARK AND CONTEMPORARY MUSEUM SITES

Ms. Namihira updated the Commission that there have been no new applications submitted for review and that the Commission's initiative for looking into purchasing the Paradise Park and Contemporary Museum sites were submitted to the Managing Director's office but BFS has not heard back from the Administration.

Chair Broder explained for Commissioner Kotubetey's information that the Commission does have quite a lot of funding available but one challenge is that the way the Charter is written, it is difficult to find projects to fund. Past

applications have come from the Trust for Public Land and Hawaiian Island Land Trust and that at the last couple of meetings the Commission has suggested looking at the Paradise Park and Contemporary Museum sites to purchase. Chair Broder encouraged him to inform the Commission of any ideas that he may have.

DISCUSSION AND ACTION FOR RESOLUTION TO HONOR VICE-CHAIR GIORGIO F. CALDARON

Approved without any objections. 7-0

DISCUSSION AND ACTION FOR PROPOSED DRAFT LANGUAGE TO AMEND REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION)

Chair Broder explained about the difficulties in spending the funds and providing open space for the people of the City and County of Honolulu, the Commission is looking into draft resolution language into amending the Revised Charter, commended Deputy Corporation Counsel Spurlin for doing an excellent job in drafting.

Chair Broder asked Deputy Corporation Counsel Spurlin what timeframe was in submitting to City Council but did not receive a response.

Chair Broder asked to review Page 2, Item 2, Section B of the draft Resolution which added “for environmental mitigation and remediation of the real estate acquired with moneys in the Clean Water and Natural Lands Fund”

Chair Broder asked Commissioner Pacarro if the language addresses his concerns that were previously brought up.

Commissioner Pacarro responded that his main concern is that funds would not be used unless property is acquired.

Chair Broder stated that the language would allow for so called maintenance once acquired but wasn't sure if the maintenance would be ongoing.

Commissioner Pacarro stated that one of the issues when acquiring land is that during the due diligence period that you can stipulate to do environmental testing and do remediation. The cost of remediation may exhaust all funds was the main concern. He asked whether there a way to allow funds to be put during the due diligence phase so that the larger funds would not be at risk later?

Chair Broder stated that this is a good point and there is also federal funds that is available for environmental mitigation so the Commission doesn't want to be in a position where we're spending our money when we could get federal money. Not sure if this is doing what we want.

Chair Broder brought up the Pearl Harbor project in that it did need environmental mitigation and stated that the City will be using the condemnation process and Federal monies to acquire.

Chair Broder proposed to consider this at the next meeting and to use current proposal to stimulate thinking for something else.

Commissioner Kotubetey commented that he was trying to follow along and get up to speed in reviewing the minutes from the last meeting and asked how does this verbiage fall short from what they are looking for?

Chair Broder stated that they are looking to do more with the funds since City has to acquire an interest in the property and that only had a few projects have been funded in the last several years. Money can't be used for maintenance and haven't been able to do much other than acquisition. So the Commission proposed an initiative to the Administration that maybe an alternative is to buy something big like Paradise Park and not something small.

Commissioner Kotubetey asked if Item B is not enough to do more?

Chair Broder stated to have more flexibility to do with the money and not sure if want to add to the charter if

federal money is available for environmental mitigation. Chair Broder was not sure if this will accomplish anything and doesn't want to propose if not going to make a difference to what they are doing. Chair Broder stated that the Commission will continue to discuss and put this issue on next agenda.

Chair Broder requested that BFS send the draft Resolution to DPR director and ask if she has any comments as she would know what DPR needs.

Commissioner Markell commented that part of the issue with due diligence is that title searches, preliminary assessments (archaeological, environmental, historical) cost a lot of money upfront. Many groups do not have funds to do that so maybe funds could be used for upfront due diligence before land is acquired. May help with better acquisition later.

Chair Broder said both he and Commissioner Pacarro brought up very good points and this should still be discussed further. Chair Broder proposed to amend Item B for due diligence.

Commissioner Pacarro added that for Item B, it should state "for due diligence to assess the environmental or cultural aspect of the property" and Item C, "once acquired to do the remediation".

Chair Broder asked to make a motion, Commissioner Pacarro made the motion for COR to revise the language for Item B focused on due diligence and Item C focused on remediation after acquisition. Commissioner Markell seconded.

Chair Broder asked if this was okay with Deputy Corporation Counsel Spurlin.

Deputy Corporation Counsel Spurlin suggested: a) funds for due diligence and evaluate; b) to purchase; c) for remediation; d) for operation, maintenance and management. COR will revise the draft resolution. All were in favor.

Commissioner Liggett commented that he likes the purpose of the fund - protection of watershed lands to preserve the water quality and water supply because we are on an island. Commissioner Liggett stated that the Commission needed to not focus on how to spend the money and focus on ways to meet our purpose.

Chair Broder agreed and stated that is a good a point and that is the goal is to use the money for clean water and natural lands and sees the money as a tool to accomplish the goal. Chair Broder asked the Commissioners if anything should be added to the resolution.

Commissioner Liggett said nothing needs to be added but it should be stated that this should drop this from any motivation.

Chair Broder stated that there will be more discussion at next meeting as everyone will have more time to think about it.

DISCUSSION ON OPINION RELATED TO EXPENDITURES FROM THE CLEAN WATER AND NATURAL LANDS FUND

Chair Broder asked if everyone received the opinion from Corporation Counsel.

Deputy Corporation Counsel Spurlin noted that it was sent to and BFS can confirm that it was sent to Commissioners. BFS confirmed that it was sent.

Chair Broder reiterated that despite best efforts to make fund more liberal, Corporation Counsel hasn't changed their opinion. If language in charter is not broad enough, steps to change the language in Charter is the way to go. Chair Broder reminded the Commissioners not to circulate the opinion.

Chair Broder announced that the Commission no longer has a Vice Chair so at the next meeting should elect a Chair and Vice Chair and think about if you would like to run. She does like being Chair and is still willing to serve as Chair but wants to give others the opportunity.

Commissioner Kotubetey thanked the Commission and is looking forward to serving and learning with the Commission.

Leah Lani Rothbaum from the Trust for Public Lands requested to be added onto the August agenda to speak about a project with the Department of Defense, Hawaiian Island Land Trust and community groups to get Oahu designated as a Sentinel landscape which would have an impact to get a lot federal funding into the State and increasing chances to have Oahu to rank higher in federal applications for projects. Rothbaum stated she would like the Commission's letter of support of this designation.

Chair Broder requested that BFS send the proposed Resolution to the Departments of Land Management and Parks and Recreation for comments

Deputy Corporation Counsel Spurlin asked if there was any public testimony as she sees 2 others on call.

ANNOUNCEMENTS

The next meeting will be on Friday, August 13, 2021 at 9:00 a.m.

NO PUBLIC TESTIMONY.

ADJOURNMENT – The meeting was adjourned at 9:31 a.m.

Respectfully Submitted,

Tammy Namihira

APPROVED:

Chair Sherry P. Broder

Date

The minutes of the Commission Meeting on
July 9, 2021 were approved at the
August 13, 2021 Commission Meeting.

	<u>Aye</u>	<u>No</u>	<u>Comment</u>
Sherry P. Broder	<input type="checkbox"/>	<input type="checkbox"/>	
Keli'i Kotubetey	<input type="checkbox"/>	<input type="checkbox"/>	
William Reese Liggett	<input type="checkbox"/>	<input type="checkbox"/>	
Elliott "Kai" Raymond Markell	<input type="checkbox"/>	<input type="checkbox"/>	
William Kamana'olana Mills	<input type="checkbox"/>	<input type="checkbox"/>	
Jason Kekahi "Kahi" Pacarro	<input type="checkbox"/>	<input type="checkbox"/>	
Jamie Tanimoto	<input type="checkbox"/>	<input type="checkbox"/>	